

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

**MODESTO BONILLA,**  
**Plaintiff,**

**v.**

**CITY OF PHILADELPHIA, ,**  
**Defendant.**

**CIVIL ACTION**

**NO. 19-3725**

**ORDER**

**AND NOW**, this 21st day of January, 2021, upon consideration of Defendant's Partial Motion to Dismiss for Failure to State a Claim (Document No. 26, filed July 31, 2020) and Plaintiff's Answer to Defendant's Partial Motion to Dismiss (Document No. 29, filed September 9, 2020), for the reasons stated in the accompanying Memorandum dated January 21, 2021, **IT IS ORDERED** that defendant's Partial Motion to Dismiss for Failure to State a Claim is **DENIED**.

**BY THE COURT:**

**/s/ Hon. Jan E. DuBois**

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**DuBOIS, JAN E., J.**